

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Sudhindra P. Herle  
 Serial No. : 10/600,223  
 Filed : June 20, 2003  
 For : APPARATUS AND METHOD FOR PERFORMING AN  
 OVER-THE-AIR SOFTWARE UPDATE IN A DUAL  
 PROCESSOR MOBILE STATION  
 Art Unit : 2191  
 Examiner : Satish Rampuria  
 Confirmation No. : 9788

**MAIL STOP AF**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL**

Applicant hereby appeals to the Board of Appeals from the final Office Action dated October 27, 2008 and of the Advisory Action dated January 16, 2009 finally rejecting Claims 1-24.

A check in the amount of \$40.00 is enclosed in payment of the Notice of Appeal filing fee. Applicant filed an Appeal Brief in the United States Patent and Trademark Office, and paid the Appeal Brief filing fee in the amount of \$500.00, on July 19, 2007. Since the Appeal Brief filing fee has already been paid, it is believed that only \$40.00 is due (the difference between the current Appeal Brief filing fee (\$540.00) and the previous filing fee (\$500.00)) with the filing of this Appeal Brief. Therefore, Applicant is enclosing a check in the amount of \$40.00 to cover this fee.

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The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, P.C.



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Date: 23 Jan. 2009

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